

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CT-2271-D

MICHAEL McMANNUS,

Petitioner,

v.

DONNIE HARRISON,

Respondent.

ORDER

On September 13, 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 6]. In that M&R, Judge Numbers recommended that the court abstain from adjudicating Michael McMannus’s claims and dismiss his 28 U.S.C. § 2241 petition without prejudice. See id. McMannus is a state pretrial detainee challenging ongoing state-court proceedings. See id. No party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 6].

In sum, the instant petition is DISMISSED without prejudice, and the court denies a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This 16 day of November 2016.



JAMES C. DEVER III
Chief United States District Judge